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ABSTRACT

School improvement cannot be negotiated. In many educational circles, negotiation carries a negative connotation that creates a perception of adversaries, causing trust levels between participants to decline. Decisions made in an atmosphere of adversarial relationships between teacher unions and school boards are not always the productive consensus-oriented decisions required in site-based management. Some commonly negotiated site based issues are: (1) curriculum restructuring, in which excellence has the best chance of developing when a team is formed; (2) teacher empowerment, in which both teacher unions and boards of education must cooperatively empower teachers and administrators to make site-based decisions; and (3) academic freedom in regards to who will make instructional decisions in the school setting. Effective schools can best be developed by decision making at the local level through team settings, not negotiations. Decisions that focus on the needs of children and not special interests are the most hopeful solution to the union/management dilemma. (EJS)

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SCHOOL IMPROVEMENT CAN'T BE NEGOTIATED

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School improvement can't be negotiated. The term "negotiation" carries a negative connotation in many educational circles. It carries a perception of adversarial relationships. Adversarial negotiations causes the trust level between participants to decline , and meaningful change becomes difficult. Since the school improvement model requires mutual trust, incompatibility between the negotiation process and the school improvement process is real. School improvement can't be negotiated.

As a former school administrator and current researcher on the topic of school administration, I feel confident that these opening statements are valid. This author's career parallels the growth of the N.E.A. and the A.F.T. as unions with bargaining rights and the ability to influence crucial educational decisions. From 1962 until 1989, as a building administrator, assistant superintendent, and finally a superintendent of schools, this author witnessed the development of the first negotiated agreement in the State of Ohio and helped negotiate several master agreements in Michigan. These negotiation processes often produced , mediation, fact finding, arbitration, and eventually a couple of damaging strikes. The negotiation process at its best will not produce the cooperative atmosphere required for meaningful school improvement. Even in states where legislation prohibits bargaining by unions, adversarial relations between teachers and administrators will develop if a posture of negotiation is undertaken as it has been applied in the past.

This position creates several questions regarding the future usefulness of teacher associations as we face an atmosphere of survival for our nation's schools. Can site-based management be effectively implemented in schools where instructional decisions are subject to union-management negotiations? Are schools where legal requirements prohibit formal negotiations in a better position to develop an improvement model? Do the adversarial relationships produced by collective bargaining prevent the team approach required by site-based management? Are the goals of teacher associations or unions even compatible with the requirements of site-based decision making and school improvement models?

To answer these questions, let us return to the premise that decisions made in an atmosphere of adversarial relationships are not always the productive, consensus oriented decisions required by the school team working together. Traditionally, union or association members have not considered themselves a source of support for everyday activities in schools (Steinberger 1990). Their allegiance has been clearly directed by the union toward the issue of teacher comfort. Also, the agenda of many teacher associations has been to usurp the power of principals. While the power struggle is fairly consistent throughout the year, it reaches its peak during the negotiation of a new contract. When school administrators and school teachers must bargain formally over instructional issues, too much of a strain is placed on the positive human relations needed to produce a good school improvement model.

It is useful to identify the parties addressed in the preceding ideas. Only because of the author's previous experience, the N.E.A. Teacher Union will serve as the referent when the union is addressed. Differences, of course, have developed between the N.E.A. and the A.F.T. regarding school improvement, and it is entirely another research issue to determine if one union is more compatible with site-based management than the other union. The National Education Association and its local affiliates has grown from a body of respected professional educators in the 1960's to the nation's largest organized labor union in 1990. The current union membership is almost entirely teachers, and most school administrators have left the ranks to seek membership in their own organizations. As the union grew in strength and the negotiation process became a complicated process, the American Association of School Boards through the local affiliates trained their membership to counteract the growing influence of unions and the presence of adversarial relationships became ingrained in the educational environment. While the

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primary concern is with the N.E.A. in states where bargaining is permitted, it is clearly possible that adversarial relationships can develop between associations and management in states where bargaining is prohibited.

Other than the board and union, a third party in the negotiation process is the school administrator. Administrators have always been expected to encompass the views of management and ,in fact, often have had to confront an association membership proposing to weaken the administrator's power. The local board of education often secured a "hired gun" to do battle with the union and school administrators were expected to provide the ammunition. It is unreasonable to expect the administrator and the teacher to work hand in hand for improvement unless the administrator is removed from the negotiation process and the adversarial process.

In many school districts in the United states, adversarial relationships have grown stronger yearly, as the union and the local board of education have confronted issues and protected their respective turf. Strikes, picketing, legal action, and other negative warfare increased the distance between management and union and the carry-over to the local building was extensive.

The issues that the parties chose to bargain over the years multiplied, although economic issues always surfaced as most important. For this reason bargaining need not be entirely eliminated, for bargaining economic issues need not interfere with the cooperative approach needed to create site based decision making, but bargaining becomes destructive when the specifics of the improvement plan as they relate to instruction are placed on the table. What are, therefore, these instructional specifics?

Following are three of the many issues regarding instruction that either the union or the board of education has brought to the bargaining table over the last three decades. The three were selected because they are also correlates of effective school research and are, therefore, issues that should be addressed in a site-based plan of improvement. In order to improve understanding of each issue, the recent wisdom of researchers on the subject of union/management negotiations are brought to bear on each issue.

CURRICULUM RESTRUCTURING

During the 1970's and early 1980's, teacher unions had little concern for school

effectiveness. Unions were considered unwilling and/or unable to cope with accountability and, in fact, protected the membership from criticism regarding school effectiveness. By 1984, the excellence reports and the growing reform movement made quality of education a high priority in the United States, but the N.E.A. became blindsided by the inclusion in the reform movement of merit pay and accountability (Finn 1985). Mary Haywood Futrell (1985), President of the N.E.A., responded to the criticism of non-involvement in the reform movements by stating, "In state after state, N.E.A. affiliates are working positively for education reform side by side with officials and citizens concerned about education" . Six years later this statement appears to be pure rhetoric in many school districts where positive reform has not been accomplished.

The positive statements cited by Futrell are not substantiated by the goal of the N.E.A. to protect the educational decision making and employment rights of members even at the expense of conflict between school administration and teachers. Lieberman (1985) supported this view by claiming that unions will support reforms that coincide with the interests of teachers on their own welfare. What's good for teachers isn't always good for education. What is good for education will not be produced by negotiations directed toward improving the comfort of teachers. Research tells us that excellence in education has the best chance of developing when produced by a team sharing a common vision regarding the development and restructuring of curriculum. Curriculum restructuring must, therefore, occur outside of the bargaining process.

TEACHER EMPOWERMENT

The literature on effective schools speaks often about empowering teachers to make crucial decisions on site and in concert with building administrators, parents, and perhaps even students. The school team model, however, is vastly different than the classic labor-management model. The labor-management model traditionally produces decisions by conflict bargaining, while the site-based decision model produces decisions by staff consensus about what is best for children. Both teacher unions and boards of education must cooperatively empower teachers and administrators in a given school to make site-based decisions. Marilee Rist (1990), in a current article expressed well the concerns related to teacher empowerment when

such empowerment is negotiated into the master agreement. Empowering teachers through the contract calls into question the motivation of the teacher's union which might well be more union empowerment than individual teacher empowerment. Some union leaders will use teacher empowerment to gain leverage at the bargaining table and others will insist on negotiating every school reform. Site based decision making can not be negotiated. It must be cooperatively planned. This means that teachers and principals must be empowered to make decision without the confining limitations of a master agreement.

DECISION MAKING AND ACADEMIC FREEDOM

A third commonly negotiated site based issue is the decision as to who will make instructional decisions in the school setting, the administration or the teachers or N.E.A. members in this case. Site based management calls for a school based team composed of teachers and the principal working cooperatively. A past goal of the N.E.A. Teacher Union has been to create conflict between school administration and the teacher. In the quest for more effective schooling, no other two objectives are more opposite in their intention. Joel Spring (1988) concludes that a major goal of the N.E.A. is to take over the authority of school administrators. In many school districts, this objective has created an arms length relationship between the teacher and the principal. As previously mentioned, even in states where formal bargaining is forbidden the teachers and principal can be at odds if differences develop over curriculum. These differences grow into bad educational practice. The major question which remains after many battles between union members and school administrators is whether or not the union and management can truly resolve contract problems amicably and become a school based team which can cooperatively make decisions about an improvement program.

A POSSIBLE SOLUTION

The scars of many past union/management confrontational negotiation experiences remain as barriers to school improvement. Can past wounds be healed and a negotiation climate conducive to productive school improvement be

established? Can negotiations be redefined to create an atmosphere of shared decision-making? Teacher unions or associations will not disappear and boards of education must legally or informally continue to bargain working conditions. The best solution might be for both sides to closely examine the needs of children and then to strive for conditions that are conducive to meeting those needs. The nation's schools are under attack from outside interests. Teachers and administrators must assume new roles and responsibilities. Instinctively, there must be a bonding together of former advocates of special interests. Research tells us that effective schools can best be developed by decision making at the local school level.

Decisions that focus on the needs of children and not special interests are perhaps the most hopeful solution to the union/management dilemma. Fisher an Ury (1984) propose principled negotiations as a more compatible method of reaching educational decisions. Principled negotiations suggests that both sides look for mutual gains through a process of open problem solving. Issues are to be decided on the basis of their merit and only when both sides can be winners. The participants are not permitted to focus on people but only on issues. Personal attacks are not permitted, and the atmosphere of negotiations is kept humane, friendly and open. The association membership and the administration must change their posture from confrontation to collaboration. If both sides pledge this type of approach to the negotiation process and train their people in the proper techniques, the goal of developing a school based improvement plan might be reached without the negatives of the past.

As school governance changes, so must people and the methods they use to gain power. School improvement can not be negotiated unless the negotiation process changes. In this instance,positive change could be power for all involved in educational decision making.

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